

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

NO. 4:16-cv-440-0

CHARLSA S. LITTLE

DECLARATION IN SUPPORT OF
EQUITABLE TOLLING IN THE SECTION 2255 PROCEEDING

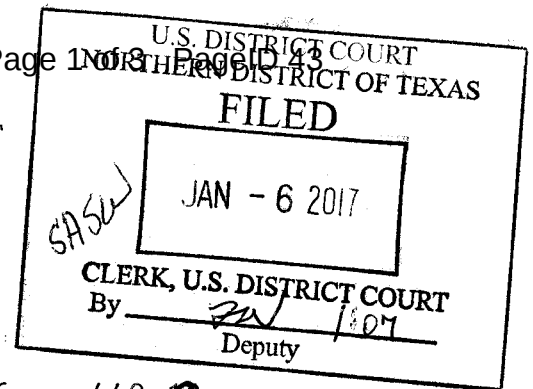
The Petitioner has moved the Court to apply equitable tolling to her claim on the basis of when she discovered new evidence to support her claims of ineffective assistance of counsel in her sentencing hearing and actual innocence of a sentencing enhancement.

The core claim is that the Petitioner was given an enhanced sentence because the PSR attributed approximately 13 kilos of drugs to the Petitioner. The Petitioner asked her attorney to challenge this drug amount and argue for a reduction based on minimal role in the offense.

Timothy Seaver, a co-defendant, won his objection to a drug amount of 16.3 kilos, of which the Petitioner was attributed 6.7 kilos of this amount, in the alleged conspiracy.

Second, Lauren Cardwell gave false information to the Government when she alleged that she had been sold at least 6.3 kilos of drugs by the Petitioner from May 2011 to December 2011. During this time period, the Petitioner recently found out that Cardwell was in the custody of the Texas Department of Criminal Justice, therefore her statements against the Petitioner, used to attribute 6.3 kilos in drug transactions are factually false.

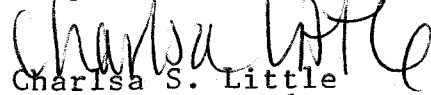
If the Court had been presented this evidence during the sentencing hearing, the Petitioner would likely have received a sentence below 5 years. Unfortunately, the Petitioner did not receive this information until July 2015.



The Petitioner is actually innocent of the sentencing enhancement, which is a "gateway through which a petitioner may pass" when the limitations period has elapsed. *McQuiggin v. Perkins*, 133 S.Ct. 1924, 1928 (2013). As an incarcerated defendant, the Petitioner had no ability to present this evidence because appointed counsel refused to investigate Seaver and Cardwell.

The Petitioner swears under penalty of perjury that within one year of receiving the new evidence presented in this declaration, she filed her claims. The Petitioner swears the above statements are true and correct pursuant to 28 U.S.C. § 1746.

Respectfully Submitted,



Charisa S. Little

January 3, 2019

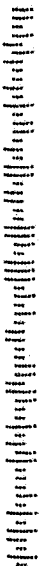
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